

AO 399 (01/09) Waiver of the Service of Summons

## UNITED STATES DISTRICT COURT

for the

Southern District of New York

See Attached Rider for Full Caption

Plaintiff

v.

CHINA MEDIAEXPRESS HOLDINGS, INC.

Defendant

Civil Action No. 11-CV-0804 (VM)

## WAIVER OF THE SERVICE OF SUMMONS

To: Jeniphr Breckenridge

(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 12/20/2011, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: 12/23/11

Signature of the attorney or unrepresented party

Deloitte LLP

Printed name of party waiving service of summons

Savvas A. Foukas

Printed name

Hughes Hubbard & Reed LLP  
One Battery Park Plaza  
New York, NY 10004-1482

Address

foukas@hugheshubbard.com

E-mail address

(212) 837-6735

Telephone number

## Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does not include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

**RIDER TO SUMMONS IN A CIVIL ACTION**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DANIEL MCINTIRE, *Individually and On  
Behalf of All Others Similarly Situated,*

Plaintiff,

v.

CHINA MEDIAEXPRESS HOLDINGS, INC.,

Defendant.

Civil Action No. 11-cv-0804 (VM)

WALTER RUBIN, *Individually and On Behalf  
of All Others Similarly Situated,*

Plaintiff,

v.

CHINA MEDIAEXPRESS HOLDINGS, INC.  
and ZHENG CHENG,

Defendants.

Civil Action No.: 11-cv-0833 (VM)

GARY MANDEL, *Individually and On Behalf  
of All Others Similarly Situated,*

Plaintiff,

v.

CHINA MEDIAEXPRESS HOLDINGS, INC,  
and ZHENG CHENG,

Defendants.

Civil Action No.: 11-cv-0916 (VM)

TUHIN CHAUDHURI, *Individually and On  
Behalf of All Others Similarly Situated,*

Plaintiff,

v.

CHINA MEDIAEXPRESS HOLDINGS, INC.,  
and ZHENG CHENG,

Defendants.

Civil Action No.: 11-cv-1895 (VM)